

**MINUTES OF  
CITY OF DUVALL  
COUNCIL MEETING  
February 26, 2009  
7:00 P.M. - Duvall Fire Station**

Council Workshop: The Workshop Was Cancelled.

**The City Council Meeting was called to order by Mayor Will Ibershof at 7:00 P.M.**

**Council Present:** Elizabeth Walker, Gérard Cattin, Vicki Edwards, Dianne Brudnicki, Gary Gill, Anne Laughlin, Glen Kuntz.

**Staff Present:** Steve Leniszewski, Glenn Merryman, Harry Oestreich, Lara Thomas, Boyd Benson, Bruce Disend, Jodee Schwinn.

**I. Additions or Corrections to the Agenda:**

Under Consent Agenda add: Approval of Payroll in the amount of \$146,643.71, Claims in the amount of \$304,873.21; Under Presentation add: Student Presentation – Coe Clemmons Creek project; Under Executive Session add: 5-minutes Potential Property Acquisition; Under New Business remove: Item #5 (AB09-21) Awarding the Bid for the Underground Electric Conversion Project; Under Council add: Councilmember Gérard Cattin.

**II. Adoption of Council Agenda:**

*It was moved and seconded (Brudnicki-Laughlin) to adopt the 2/26/09 City Council Agenda. The Motion carried. (7 ayes).*

**III. Comments from the Audience:**

Kass Holdeman, P.O. Box 1618, Chair of the Duvall Cultural Commission, reported that the Commission currently has two vacant commission positions open and they have received three really great applicants for those two positions. She requested that Council consider amending the Duvall Municipal Code to allow that seven to nine commissioners be appointed and serve on the Commission at any one time, rather than the current limit of seven commissioner positions.

Skylar Hansen, 13920 – 282<sup>nd</sup> Ct. NE, Duvall, said he supports adequate impact fees for the Parks, Trails, and Open Space Plan. One of the recommendations of the American Cancer Institute of Cancer Research is that government provide adequate walking and cycling trails. It is believed that 1/3 of all cancers could be prevented by lifestyle changes. He also read how another city is taking this opportunity of the slowing economy and growth to improve their planning and zoning laws to ready for the next

growth spurt. Lastly, he believes that by Council voting a strong, affirmative vote at this meeting and at the next meeting when the impact fees are finalized, it will send a message that Duvall's residents, through the work of city staff and their elected representatives, will determine the city's future, rather than have the city's policies be driven by the short-term self interest of developers.

**IV. Approval of Consent Agenda:**

*It was moved and seconded (Cattin-Brudnicki) to approve the consent agenda which included approval of Payroll Checks Numbered #7459-7467 in the amount of \$146,643.71; Claims Checks Numbered #7464, #7468-7546 in the amount of \$304,873.21; approval of the Council Meeting Minutes of 2-12-09; and approval of the following contracts, resolutions, and ordinances: AB09-13 Resolution #09-03 authorizing the Mayor to sign the Eastside Transportation Partnership Agreement; AB09-14 Authorizing the Memo of Understanding with the Carnation-Duvall Citizen Corps Council concerning emergency response and volunteers; AB09-05 Contract Amendment #2 with FCSG for the Park Impact Fee Analysis; Ordinance #1078 repealing Chapter 2.04 Title Clerk-Treasurer, and Replacing it with a New Chapter 2.04 Finance Director. The Motion carried. (7 ayes).*

**V. Presentation:** Riverview School District Parade Students – Coe Clemmons Restoration Project.

Boyd Benson, City Engineer, introduced Susie Marshall and students from the Riverview School District's Parade Program.

The students gave a video presentation to Council detailing their proposal to assist and work with the City on restoring a portion of the southern Coe Clemmons Creek area. Their plan is to clean it up and help to repair the creek to its native state. Along with that, they would like to provide better access and trails, and add some picnicking areas in the vicinity of the creek, along with educational signage. Everyone was very excited about the idea of having that natural area be more accessible and utilized more.

**VI. Scheduled Items:**

**1. Mayor:**

Mayor Ibershof reported that the Puget Sound Regional Council will be allocating \$140 million dollars in Federal funding from the stimulus plan that will be used for local regional projects. The Mayor reported that the Federal Government requires that specific dates be met in order to get this funding, so some major construction projects will be breaking ground in our region in the next 30-60 days.

**2. Committee Reports:**

a. Land-Use Committee: Councilmember Elizabeth Walker reported that the Committee met and had quite a few topics to discuss. They discussed Duvall Urban Village and the

Comprehensive Plan Amendments. They reconfirmed their position on the Park Impact Fees. They talked quite a bit about potential development and current development that is coming through or already under review. They also discussed Duvall Village which is the property that the Thayer Barn sits on. Lastly, Elizabeth reminded everyone that there is one opening on the King Conservation District Board. The election will be on March 19<sup>th</sup>, and interested applicants must submit their applications by March 4<sup>th</sup>.

b. Public Works Committee: Councilmember Gary Gill reported that the Request For Proposals (RFP) for the Dougherty Farmstead is out. He reported that the “RFP” for the Depot Building is not quite finished yet. The Committee also discussed and finalized the design for the sidewalk construction along 275<sup>th</sup> Avenue NE, between NE 143<sup>rd</sup> and NE 145<sup>th</sup>. That project will probably move forward in the next few months. They discussed adding a new project that would entail adding a new water main along 3<sup>rd</sup> Avenue NE, south of Stephens.

c. Public Safety Committee: Councilmember Vicki Edwards reported that at the last Committee meeting they reviewed their 2008 highlights, including the outstanding achievement and coordination during the very challenging weather events this winter. Preliminary results indicate that we are going to show another very low-crime year. The actual results will be out in April. They are also very excited about the Fire Inspection Policy that was written and passed earlier this year. The Committee will begin discussing and prioritizing what they want to focus on for 2009.

d. Economic Development Committee: Councilmember Anne Laughlin reported that meetings have begun to plan Duvall Days. The meetings have been very well attended with good representation from all of the different events. So far, they are still seeking a central coordinator for the event. Anne reported that she recently attended a Duvall Chamber of Commerce breakfast. She said they are a fabulous and energetic group. She is looking at other cities to get ideas on how to incorporate the Main Street Grand Opening with the Duvall Days event, and she and the Mayor will be taking those ideas to the Duvall Chamber breakfast in March.

e. Finance & Administration Committee: Councilmember Gérard Cattin reported that the Committee has been working on some clean up items to the Duvall Municipal Code, one of which is being brought forward at tonight’s Council Meeting. He said it is likely they will be reviewing a number of others.

### **3. Council Reports:**

Councilmember Gérard Cattin reported that earlier in the day he attended the King County Regional Justice and Safety Committee Meeting. A presentation was given on funding and correctional matters in this very lean upcoming budget year, and the impacts that some of the ideas being considered would have on the correctional system. Some possible ideas are to relax some of the rules that keep inmates jailed after completing their sentences, and also reducing some of the probation requirements for non-felony offenders.

## **VII. Public Hearing:      *Continued* – 2008 Comprehensive Plan Amendments**

7:38 p.m.      The Public Hearing was continued.

Lynn Eshleman, 17921 Bothell-Everett Hwy. #100, Bothell, Pacific Ridge Homes, believes that although staff had another meeting regarding the PTOS Plan, she doesn't believe they have attempted to take apart the plan or tear it down, nor have they truly looked at the City's funding sources or lack thereof. What she thinks is important to recognize is that the plan does not require an impact fee. If Council is hesitant at all about the City's financing abilities, then any increases to the impact fees should be held off while everyone is in a recession. At this time Pacific Ridge Homes is not projecting to have any new home permits in the City of Duvall this year. The financing of the parks in this plan is based on a percentage of mitigation fees paid with building permit and City funds. She has concerns as to how the City will meet all of this. With the current economic trend and forecast she doesn't see any extra dollars for the City in this development area. She asked Council to please look at what many of their colleagues are doing in other jurisdictions in the area of impact fees. Other jurisdictions are not raising fees during these economic times.

Bruce Knowlton, 9720 NE 120<sup>th</sup> Pl, Kirkland, Camwest Development, stated he believes this Parks, Trails and Open Space Plan remains a very ambitious plan and as Duvall moves forward in determining out how it will finance it, he would encourage the City to look at all sources and all potential sources of funding that is available. He said the Capital Facilities Element shows a substantial portion of funding to come from impact fees and believes there are not going to be a lot of building permits submitted from which to derive those impact fees. He said this is a time when homebuilders need help from the City in making the economic climate easier for them, rather than the other way around. He asked that if Council does move forward with the park plan and financing that plan, that they either delay or phase-in raising the impact fees.

Duana Kolouskova, 1601 - 114<sup>th</sup> Ave SE #110, Bellevue, an attorney representing a group of developers, said her clients are struggling to stay in business at all. This park plan and a potential increase in impact fees has a very real impact, and she really hopes that Council takes that into account when considering all of the issues in front of them. She is also concerned with an apparent lack of compliance. She said they were not advised that the committee meetings to discuss the plan were going to be open to the public until approximately ½ an hour before that meeting started. She wanted to be sure Council was aware of that communication breakdown. She is also very concerned about the lack of regulatory compliance with these amendments, and more importantly she hopes that Council seriously considers the financial commitments that they are undertaking under this plan. If the City is not ready to put their financial backing behind their documents today, please do not ask the development community to do so. It is not equitable or supportive of the community. She is requesting that Council not take action on this, and holds off until everyone is in an economic climate where these proposed projects can seriously move forward.

Lara Thomas, Planning Manager, stated that staff recommends that the Public Hearing be closed, and at this time staff is recommending approval of the Comprehensive Plan Docket for 2008.

7:51 p.m.      The Public Hearing was closed.

**VIII. New Business:**

**1. (AB09-10) Ordinance #1079 Adopting the 2008 City of Duvall Comprehensive Plan Amendments.** *It was moved and seconded (Walker-Brudnicki) to adopt Ordinance #1079 adopting the 2008 City of Duvall Comprehensive Plan Amendments. The Motion Carried. (7 ayes).*

**2. (AB09-18) Approve and authorize the Mayor to sign contract with Omega Contractors for the Taylor's Ridge Lift Station Rehabilitation.** *It was moved and seconded (Kuntz-Walker) to approve and authorize the Mayor to sign contract with Omega Contractors for the Taylor's Ridge Lift Station Rehabilitation. The Motion Carried. (7 ayes).*

**3. (AB09-19) Approve and authorize the Mayor to sign Contract #2 for KPG for Consulting for the Main Street Re-construction project.** *It was moved and seconded (Kuntz-Gill) to approve and authorize the Mayor to sign Contract #2 for KPG for Consulting for the Main Street Re-construction project. The Motion Carried. (7 ayes).*

**4. (AB09-20) Approve and authorize the Mayor to sign Change Order with RRJ Construction for the 2<sup>nd</sup> Avenue Water Main Replacement.** *It was moved and seconded (Walker-Cattin) to approve and authorize the Mayor to sign Change Order with RRJ Construction for the 2<sup>nd</sup> Avenue Water Main Replacement project. The Motion Carried. (7 ayes).*

**IX. Executive Session:**

***Potential Litigation – 5 Minutes***

*RCW 42.30.110 (1)(i)*

***Potential Property Acquisition – 5 Minutes***

*RCW 42.30.110(1)(b)*

8:02 p.m.      The Council Chambers were cleared for a 5-minute Executive Session on Potential Litigation and a 5-minute Executive Session on Potential Property Acquisition.

8:12 p.m.      The Executive Session was extended for 10 minutes.

8:22 p.m.      The Council meeting was called back to order.

**X. Adjournment:**

*It was moved and seconded (Gill-Edwards) to adjourn.*

*The Motion Carried. (7 ayes). The meeting adjourned at 8:23 p.m.*

Signed \_\_\_\_\_  
Mayor Will Ibershof

Attest \_\_\_\_\_  
Jodee Schwinn, City Clerk